

REMARKS

In order to emphasize the patentable distinctions of applicant's invention over the prior art, independent claims 1, 8 and 15, and dependent claims 3-7, 10-14, 19 and 18, dependent thereon, have been amended to recite that the Internet Service Provider determines the speed of the user's connection and selects an advertisement best matched therewith, so that users having high-speed connections are presented with full multimedia advertisements while users with slower connection speeds receive advertisements that are less multimedia intensive and download quickly. These amendments are clearly supported by page 5, lines 5 to 13, of the original specification. Further, the amendments to independent claims 1, 8 and 15 incorporate the limitation -- that the Internet Service Provider selects an advertisement best matched with the speed of the user's connection -- recited by original claim 2. Claims 2, 16 and 17 have been canceled, without prejudice.

Applicant's invention provides a system and method for disseminating advertisements to users of an Internet Service Provider by placing an advertisement in a non-dismissible and temporary browser window (a "pop up" window) on the monitor of the user's computer for a predetermined time period. The user is given an option to register, and is subsequently provided with the opportunity to receive compensation for viewing the advertisement. Advantageously, this system provides a reliable outlet for consumer oriented branding campaigns and mainstream advertisers; increased revenue for Internet Service Providers; and cash compensation for advertisement viewers.

Once the user logs onto the Internet through the Internet Service Provider, the server delivers a modified web browser window adapted to "pop up" containing an advertisement. The ad

screen (i.e., the “pop up” window) will open after a specified period of time that is adjustable. Upon conclusion of the preselected time period, the window will close. By offering different ad location options on the monitor, the Internet Service Provider is able to customize the look and feel of the ad delivery. The user has no control over the ad window, only the option to register by clicking on a “register now” button. The advertisement sent to the user’s computer is determined by an analysis of the user’s system capability. The system can be set to open additional ads at predetermined intervals.

The system comprises an Internet server having at least one application logic set stored thereon. Each application set is provided with means for causing the browser program installed on the user’s computer to display an advertisement in a non-dismissible and temporary browser window on the user’s monitor. The system also comprises a registered user database on the server for storing user information and computing and storing the user’s advertisement viewing history. When a user logs onto the Internet Service Provider, the user’s computer is caused to access an application logic set, thereby triggering display of an advertisement in a temporary and non-dismissible window on the monitor. Alternately, when a user logs onto his Internet Service Provider, the ISP is caused to access an application logic set on the server thereby triggering display of an advertisement in a temporary and non-dismissible window on the user’s monitor.

Although other forms of advertising via the Internet are known, the present system provides a combination of benefits to each of the advertiser, the user, and the Internet Service Provider. The advertiser has assurance that advertisements will be presented to the user, and the likelihood for the advertiser of influencing the user is increased, since the advertisement is inexorably displayed on

the user's computer web browser for a known time interval. On the other hand, the user has voluntarily agreed to accept such advertising in exchange for assured compensation in the form of free hardware or software. Additionally, by use of "pop ups," the system delivers advertisements in a manner that does not detract from the program's use or the Internet content.

Claim Rejections – 35 USC § 103

Original claims 1, 3-8, 10-15 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6687737) in view of Angeles et al. (US 5933811), and likewise unpatentable over Angles in view of Landsman.

Landsman discloses a technique for implementing in a networked client-server environment (e.g., the Internet) network-distributed advertising in which advertisements are downloaded from an advertising server to a browser executing at a client computer (in a manner transparent to a user situated at the browser). Subsequently, the advertisements are then displayed "interstitially" in response to a click-stream generated by the user to move from one web page to another. When executed, the Landsman system relies on a Transition Sensor applet (associated with the user's contents page) to download an "AdController" applet from a distribution server. This AdController, once downloaded, will operate under the browser but will not be under the browser's control. The AdController will request delivery of advertisements from an Ad Management System, specifically it will request an "AdDescriptor" file containing a manifest of file names and corresponding web addresses of all media files that constitute the content of a particular advertisement. The AdController will then "politely" and transparently download the associated media files as specified in the AdDescriptor. The AdDescriptor will then implement a data

abstraction that “decouples” advertising content from a web page, such that a web page merely includes an advertising tag that refers to a specific ad management system rather than to a particular advertisement or its content. The Landsman system itself selects the given advertisement that is to be downloaded, rather than having that selection or its content being embedded in the web content page. Examiner has indicated that Landsman “does not teach compensation.”

Angles discloses a system and method for delivering customized electronic advertisements to users via the Internet. The customized advertisements are selected based on consumer profiles and are integrated with offerings maintained by different content providers. Angles teaches use of a computer connected to the Internet that is operated by an advertisement provider, which stores demographic information about individual consumers. When an Internet user (a consumer) accesses a content provider’s website, the advertisement provider’s computer sends customized advertisements to the user (based on that user’s demographic profile) and tracks that consumer’s responses to the advertisements. Subsequent to the transfer of the advertisement, the advertisement provider’s computer accesses an accounting database to bill the advertiser and credit the content provider.

With regards to claims 1, 8, 12 and 15, Examiner indicated that it would have been obvious to one of ordinary skill in the art to have “registered and compensated the ad-viewing users as well as the Internet access providers of Landsman et al’s system so that users and Internet access provider benefit from online advertising revenue.”

As noted supra, amended claims 1, 8, 12 and 15 require the server to determine the speed of the user’s connection and select an advertisement best matched therewith. This enables users

having high-speed connections to be presented with full multimedia advertisements, while users with slower connection speeds receive advertisements that are less multimedia intensive. Therefore, by delivering an advertisement compatible with an individual system's capabilities, the advertisement delivered to the user's computer will be viewed properly, enabling advertisers to advertise to users with both low and high speed connections. This feature is not disclosed by Landsman or Angles.

Additionally, unlike Landsman or Angles, applicant's system, as recited by claims 1, 8, 12 and 15, requires the advertisements to be displayed in a non-dismissible and temporary browser window (a "pop up" window), which delivers the advertisements in a manner that does not detract from the program's use or the Internet content. It is submitted that the advertisement is displayed while the user is viewing a particular web page, and (since the "pop up" window is non-dismissible) it will remain on the computer screen for a pre-determined time period as the user moves to other web pages. Further, since the advertisement is displayed on a separate window (the "pop up" window), the contents of the primary window will not be disturbed. Therefore, by requiring use of a non-dismissible "pop up" window, the advertisers are assured that their advertisement will be viewed, while, at the same time, any disruption to the user's use of the Internet will be minimized.

This differs from Landsman, which teaches delivery of advertisements "interstitially" (see Landsman, 4:65 to 5:25). This method requires delivering advertisements to a user's computer that remain hidden until a user chooses to move from one web page to another. In response to the click-stream generated by the user (to move from one web page to the next), the advertisement is

displayed while the next successive webpage is downloading. The advertisement, however, will disappear once downloading of the next webpage is completed, giving the user an opportunity to ignore the advertisement. Applicant's system, however, teaches use of a "pop up" so that an advertisement will be on the computer screen while a webpage being viewed is fully downloaded, making certain that the advertisement will be viewed by the user.

Therefore, modification of the Landsman system to compensate the ad-viewing user and the Internet access provider would not produce applicant's system as recited in amended claims 1, 8, 12 and 15. Adapting the Landsman system to *merely* compensate the user and Internet access provider would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user's computer) that is best matched with the speed of an individual user's connection, and (ii) delivers the advertisements in a "pop up" window that insures viewing and minimizes any disruption to use of the Internet.

Also with regards to claims 1, 8, 12 and 15, the Examiner has indicated that it would have been obvious to one of ordinary skill in the art to have "modified the customized and targeted compensation advertising system of Angles et al so that the advertising content was delivered interstitially as taught by Landsman et al so that the advertising was more polite and less intrusive."

For reasons discussed supra, modification of Angles to deliver advertisements interstitially would not produce a system that delivers advertisements in a "pop up" window, which is required by applicant's system as recited by claims 1, 8, 12 and 15. Therefore, the resulting system, which would deliver advertisements interstitially, would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user's computer) that is best matched with the

speed of an individual user's connection, and (ii) delivers the advertisements in a "pop up" window.

With regards to claims 3, 6, 7, 11 and 20, the Examiner has given four explanations as to why 35 U.S.C. 103(a) is applicable. Pertaining to claims 3 and 11, the Examiner has indicated that it would have been obvious to one of ordinary skill in the art to modify Landsman to display "the window anywhere including the top of the user's screen as a design choice." Pertaining to claim 7, the Examiner has indicated that it would have been obvious to one of ordinary skill to modify Landsman to "have provided URLs for the ad objects so that a user may click on ads they are interested in." Pertaining to claims 6 and 20, the Examiner has indicated that it would have been obvious to one of ordinary skill to "have provided fillable forms/windows on the advertiser's site in order to collect such information when user's request more information be sent to them." Also pertaining to claims 6 and 20, the Examiner has indicated that it would have been obvious to one of ordinary skill in the art to "provide registration buttons and fillable forms/windows on the web site in order to collect registration information pursuant to Angles et al's compensation."

Amended claims 3, 6, 7 and 20 represent preferred embodiments of the system recited by independent claim 1 and are dependent thereon. Likewise, claim 11 is a preferred embodiment of the system recited by independent claim 8 and is dependent thereon.

For reasons discussed supra, modifications to Landsman as indicated by the Examiner above would not produce the system recited in amended claims 3, 6, 7, 11 and 20. Each of these modifications to Landsman would produce a system that delivers advertisements to the user's computer interstitially, whereas the system recited by claims 3, 6, 7, 11 and 20 requires delivery of

advertisement via a “pop up” window. Additionally, the above noted modifications to Landsman would not produce a system that selects advertisements to be delivered to the user’s computer based on the system capabilities of the user’s connection. Therefore, the above noted modifications would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user’s computer) that is best matched with the speed of an individual user’s connection, and (ii) delivers the advertisements in a “pop up” window that insures viewing and minimizes any disruption to use of the Internet.

With regards to claims 4 and 10, the Examiner has indicated that it would have been obvious to one skilled in the art to modify Landsman so that the “plurality of ads to be shown and the ad queue are taken to provide a ‘series of ads’ shown in an ad window.” This modification, however, would not produce applicant’s system as recited in claims 4 and 10, since the resulting system would deliver the “series of ads” interstitially, whereas claims 4 and 10 require delivery via a “pop up” window. Additionally, amended claim 4 represents a preferred embodiment of the system recited by independent claim 1 and is dependent thereon. Likewise, amended claim 10 represents a preferred embodiment of the system recited by independent claim 8 and is dependent thereon. Therefore, for reasons discussed supra, modification of Landsman as indicated by the Examiner would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user’s computer) that is best matched with the speed of an individual user’s connection and (ii) delivers the advertisements in a “pop up” window that insures viewing and minimizes any disruption to use of the Internet.

With regards to claims 5 and 14, the Examiner has indicated that it would have been obvious to one skilled in the art to modify Landsman so that "the ad display is programmed to be delayed until the user transitions to a subsequent page." The Examiner has further indicated that Landsman "teaches ads that sleep for a predetermined time period before they are shown again." Regarding claim 13, the Examiner has indicated that it would have been obvious to one skilled in the art to modify Landsman and/or Angles to display an advertisement "when a user leaves a previous web site" that is "taken as closing a computer program." It is submitted that amended claim 5 represents a preferred embodiment of the system recited by independent claim 1 and is dependent thereon. Likewise, amended claims 13 and 14 represents a preferred embodiment of the system recited by independent claim 8 and is dependent thereon. For reasons discussed above, the above noted modifications would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user's computer) that is best matched with the speed of an individual user's connection, and (ii) delivers the advertisements in a "pop up" window that insures viewing and minimizes any disruption to use of the Internet.

Accordingly, in view of the above noted amendments and remarks, reconsideration of rejected claims 1, 3-8, 10-15 and 20 under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Angeles, and likewise Angles in view of Landsman, is respectfully requested.

Claims 2 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over either Landsman in view of Angles or Angles in view of Landsman as above, and further in view of Radziewicz et al (US5854897).

Radziewicz discloses a marketing system for displaying an announcement at a network terminating device connected to a communications network by way of a network service provider (NSP). The NSP monitors traffic to and from the client station to determine when the connection path is idle (i.e., the device is not sending or receiving any information over the transmission medium). When idle, an announcement server connected to the NSP transmits advertising messages and other information to the client station. The advertisements are displayed in a predetermined location of a browser client window of the client station.

Regarding claims 2, 16 and 17, the Examiner has indicated that it would have been obvious to one skilled in the art to have “specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such a file.”

Original claims 2, 16 and 17 have been canceled; however, independent claim 1 has been amended to include the restriction of original claim 2 (i.e., means for determining the connection speed of the user’s connection and selecting an advertisement best matched therewith), and, likewise, independent claim 15 has been amended to include this restriction, which was an element of original claims 16 and 17.

It is conceded, as indicated by the Examiner, that Radziewicz teaches use of a server that uses the connection speed (of the user’s connection to the Internet) to select an appropriate types of advertisement to be sent to the user’s computer.

Radziewicz, however, only sends advertisements to the user’s computer when the connection is idle, whereas applicant’s system, as recited by amended claims 1 and 15, sends advertisements during periods when the connection is active, as well as when it is idle. This

method insures that advertisements will be received by the user's computer at regular intervals, maximizing the possibility that the user will be at the computer to view the advertisements. Additionally, in Radziewicz, it is a server that determines what advertisement is to be sent to the user's computer, not the computer itself.

Modifying the AdDescriptor of Landsman to specify various ad formats, so that the user's computer will receive advertisements based on the speed of the system's connection, will result in unnecessary strain to systems with slow connections. This will be especially true during times when the connection is active.

As noted supra, the AdDescriptor is a file that contains a manifest of file names and corresponding web addresses of all media files that constitute the content of a particular advertisement. It is submitted that this AdDescriptor, as taught by Landsman, contains the specifications for a single advertisement, and does not contain specifications for alternative advertisements. Should the AdDescriptor be modified to include specifications for alternative advertisements, the user's computer will need to download the entire AdDescriptor file to determine what advertisement is appropriate before an advertisement is selected, causing unnecessary strain (especially during periods of activity).

By way of contrast, applicant's system, as well as Radziewicz, teaches that a server is to determine what advertisement is to be sent to the user's computer, minimizing strain on the user's system. Additionally, for reasons discussed supra, the resulting system would display the advertisements interstitially, not as "pop ups" as required by present claims 1 and 15.

Therefore, modifying the AdDescriptor of Landsman to specify various ad formats will not produce the system recited by amended claims 2 and 15.

Regarding claims 18 and 19, the Examiner has indicated that it would have been obvious to one of ordinary skill in the art to modify the prior art “for wireless users to have participated in the combined system so that they can enjoy the Internet wirelessly.” It is submitted that amended claim 18 represents a preferred embodiment of the system recited by independent claim 1 and is dependent thereon. Likewise, amended claim 19 represents a preferred embodiment of the system recited by independent claim 15 and is dependent thereon. Therefore, for reasons discussed supra, modification of the prior art to *merely* adapt the applicant’s system for wireless Internet users will not produce the system recited in amended claims 18 and 19. That is to say, modifying the cited references in the manner proposed would not produce a system that advantageously (i) selects an advertisement (to be delivered to the user’s computer) that is best matched with the speed of an individual user’s connection; (ii) delivers the advertisements in a “pop up” window that insures viewing and minimizes any disruption to use of the Internet; and (iii) transmits advertisements to the user’s computer during periods when the connection path is both active and idle. These features are required by the system recited in claims 18 and 19.

In view of the above noted amendments and remarks, it is submitted that present claims 1, 15, 18 and 19 patentably define over any combination of the art applied. Accordingly, reconsideration of claims 18 and 19, as well as newly amended claims 1 and 15, under 35 U.S.C. 103(a) as being unpatentable over the combinations of Landsman, Angeles and Radziewicz is respectfully requested.

CONCLUSION

In view of the amendments to the claims and the foregoing remarks, it is respectfully submitted that the present application has been placed in allowable condition. Reconsideration of the rejections set forth in the Office Action dated April 28, 2008, entry of this amendment, and allowance of claims 1, 3-8, 10-15 and 18-20, as amended, are earnestly solicited.

Respectfully submitted,

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